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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 IRA GENE WEIRICH, JR.

15 Defendant.

Case No. 3:15-cr-00083-MMD(VPC)

**STIPULATION TO CONTINUE
MOTION AND TRIAL DATES**
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
18 United States Attorney, and Shannon M. Bryant, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and Biray K.
20 Dogan, Assistant Federal Public Defender, counsel for Ira Gene Weirich, Jr., that the calendar
21 call currently set for September 06, 2016 at 1:00 p.m., be vacated and continued to **April 03,**
22 **2017 at 1:00 p.m.** and the trial currently scheduled for September 27, 2016 at 9:00 a.m., be
23 vacated and set to **April 11, 2017 at 9:00 a.m.**
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1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that the
2 parties herein shall have to and including **February 15, 2017**, to file any and all pretrial motions
3 and notices of defense.

4 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that the
5 parties herein shall have to and including **March 01, 2017**, to file any and all responses to such
6 motions.

7 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that the
8 parties herein shall have to and including **March 08, 2017**, to file any and all replies to the
9 responsive briefs.

10 This Stipulation is entered into for the following reasons:

11 1. Mr. Weirich is currently serving a life sentence in the Northern Nevada
12 Correctional Center. Undersigned defense counsel previously visited Mr. Weirich at Northern
13 Nevada Correctional Center in Carson City on Friday, May 20, 2015. Since then defense
14 counsel again met with his client on August 05, 2016.

15 2. That based upon defense counsel's conversations with Mr. Weirich additional
16 time is required to conduct investigation pertaining to the circumstances surrounding the
17 charges contained in the federal indictment.

18 3. That since the last continuance was granted defense counsel has reviewed and
19 explained important aspects of Mr. Weirich's case, to Mr. Weirich, such as the charges
20 contained in the indictment, the discovery provided by the government, and the U.S.
21 Sentencing Guidelines. However, additional time is requested to further discuss matters, and
22 issues related to defense strategy at any potential jury trial should this matter not resolve
23 through negotiations by the currently scheduled jury trial date. Moreover, the additional time
24 will permit defense counsel to research, write and file dispositive motions before the
25 scheduled jury trial.
26

1 4. That defense counsel has been in talks with the AUSA in this matter to reach
2 an agreeable resolution, which would obviate the need for a jury trial.

3 5. That Mr. Weirich does not oppose the requested continuance. Further, the
4 parties agree to the continuance.

5 6. That the additional time requested by this Stipulation is excludable in
6 computing the time within which the trial herein must commence under the provisions of the
7 Speedy Trial Act pursuant to Title 18, United States Code, § 3161(h)(7)(A), considering the
8 factors under Title 18, United States Code, §§ 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).
9 Failure to grant this continuance would result in a miscarriage of justice by denying counsel
10 for Mr. Weirich the reasonable time necessary for effective preparation taking into account
11 the exercise of due diligence.

12 This is the Second request for a continuance filed herein.

13 DATED this 26th day of August, 2016.

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15 RENE L. VALLADARES
16 Federal Public Defender

 DANIEL G. BOGDEN
 United States Attorney

17 By /s/ Biray K. Dogan

 By /s/ Shannon M. Bryant

18 BIRAY K. DOGAN
19 Assistant Federal Public Defender
 Counsel for Ira Gene Weirich, Jr.

 SHANNON M. BRYANT
 Assistant United States Attorney
 Counsel for the Government

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

IRA GENE WEIRICH, JR.,

Defendant.

Case No. 3:15-cr-00083-MMD (VPC)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Weirich is currently serving a life sentence in the Northern Nevada Correctional Center. Undersigned defense counsel previously visited Mr. Weirich at Northern Nevada Correctional Center in Carson City on Friday, May 20, 2015. Since then defense counsel again met with his client on August 05, 2016.

2. That based upon defense counsel's conversations with Mr. Weirich additional time is required to conduct investigation pertaining to the circumstances surrounding the charges contained in the federal indictment.

3. That since the last continuance was granted defense counsel has reviewed and explained important aspects of Mr. Weirich's case, to Mr. Weirich, such as the charges contained in the indictment, the discovery provided by the government, and the U.S. Sentencing Guidelines. However, additional time is requested to further discuss matters, and issues related to defense strategy at any potential jury trial should this matter not resolve through negotiations by the currently scheduled jury trial date. Moreover, the additional time

1 will permit defense counsel to research, write and file dispositive motions before the
2 scheduled jury trial.

3 4. That defense counsel has been in talks with the AUSA in this matter to reach
4 an agreeable resolution, which would obviate the need for a jury trial.

5 5. That Mr. Weirich does not oppose the requested continuance. Further, the
6 parties agree to the continuance.

7 6. That the additional time requested by this Stipulation is excludable in
8 computing the time within which the trial herein must commence under the provisions of the
9 Speedy Trial Act pursuant to Title 18, United States Code, § 3161(h)(7)(A), considering the
10 factors under Title 18, United States Code, §§ 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).
11 Failure to grant this continuance would result in a miscarriage of justice by denying counsel
12 for Mr. Weirich the reasonable time necessary for effective preparation taking into account
13 the exercise of due diligence.

14 **CONCLUSIONS OF LAW**

15 The ends of justice served by granting said continuance outweigh the best interest of the
16 public and the defendant in a speedy trial, since the failure to grant said continuance would be
17 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
18 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
19 account the exercise of due diligence.

20 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
21 United States Code, Section 3161(h)(1)(D) and Title 18 United States Code, Section
22 3161(h)(7)(A),when the considering the facts under Title 18, United States Code, Section 3161
23 (h)(7)(B)(i) and 316(h)(7)(B)(iv).

24 **ORDER**

25 IT IS THEREFORE ORDERED that the parties shall have to and including **February**
26 **15, 2017**, to file any and all pretrial motions and notices of defense.

1 IT IS FURTHER ORDERED that the parties shall have to and including **March 01,**
2 **2017**, to file any and all response to such motions.

3 IT IS FURTHER ORDERED that the parties shall have to and including **March 08,**
4 **2017**, to file any and all reply briefs.

5 IT IS FURTHER ORDERED that the calendar call currently set for September 06, 2016,
6 at 1:00 p.m. be continued to **April 03, 2017 at 1:00 p.m.** and the trial currently scheduled for
7 June 07, 2016 at 9:00 a.m., be continued to **April 11, 2017 at 9:00 a.m.**

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9 DATED this 29th day of August, 2016.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

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11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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